

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROGER VAN HECK,

Plaintiff,

v.

Case No. 04-CV-71833-DT

MT. CLEMENS POLICE OFFICERS LEWIS
AND DISSER et al.,

Defendants.

**ORDER GRANTING PLAINTIFF'S "APPLICATION TO PROCEED WITHOUT
PREPAYMENT OF FEES AND AFFIDAVIT"**

On January 6, 2006, the court issued an "Order Denying Without Prejudice Plaintiff's Two 'Request[s] To Waive Filing Fees For Claim of Appeal.'" In that order, the court determined that Plaintiff "ha[d] not fulfilled the requirements set forth under 28 U.S.C. § 1915(a)(1) as he ha[d] not submitted an affidavit in support of either [his September 2, 2005 or his December 27, 2005] requests" to proceed without prepayment of fees. (1/6/06 Order at 1.) The court informed Plaintiff that he could "later renew his request to waive filing fees on appeal by either (1) filing a motion with a supporting affidavit as required by 28 U.S.C. § 1915(a)(1) or (2) completing and filing an 'Application To Proceed Without Prepayment of Fees and Affidavit.'" (*Id.*) Plaintiff chose the second option and filed his "Application To Proceed Without Prepayment of Fees and Affidavit" on January 17, 2006 [Dkt. # 41]. Having reviewed the necessary documentation and affidavit, and concluding that Petitioner's appeal is not taken in bad faith,

IT IS ORDERED that Petitioner's "Application To Proceed Without Prepayment of Fees and Affidavit" [Dkt. # 41] is GRANTED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: February 3, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 3, 2006, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

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